

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-731*

12 **LISA MARIE PETTY, AKA**
13 **LISA MARIE FURR**
229 Colmar Road
Seaside, California 93955

A C C U S A T I O N

14 **Registered Nurse License No. 621916**

15 Respondent.

16
17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 **Registered Nurse License**

22 2. On or about July 16, 2003, the Board issued Registered Nurse License Number
23 621916 to Lisa Marie Petty, also known as Lisa Marie Furr ("Respondent"). The Registered
24 Nurse License expired on January 31, 2005, and has not been renewed.

25 ///

26 ///

27 ///

28 ///

1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
3 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
4 license, for any reason provided in Article 3 (commencing with Code section 2750) of the
5 Nursing Practice Act.

6 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
7 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
8 period within which the license may be renewed, restored, reissued, or reinstated.

9 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
10 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
11 to render a decision imposing discipline on the license.

12 **STATUTORY PROVISIONS**

13 6. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed nurse or
15 deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

17 (4) Denial of licensure, revocation, suspension, restriction, or any other
18 disciplinary action against a health care professional license or certificate by another
19 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action.

20 **COST RECOVERY**

21 7. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

27 ///

28 ///

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
5 by the State of West Virginia Board of Examiners for Registered Professional Nurses (hereinafter
6 the "W. Virginia Board"), as follows:

7 a. In the disciplinary proceeding entitled *In the Matter of Lisa Petty, License No. 64153*,
8 the W. Virginia Board approved and entered into with Respondent an *Impaired Nurse Program*
9 *Contract* (hereinafter the "Contract"). Respondent admitted in the Contract to her addiction to
10 Lorcet, Percocet, and alcohol. Effective October 25, 2005, the Contract imposed terms and
11 conditions for a period of three years, effective October 25, 2005. The Contract provided for
12 disciplinary sanctions on Respondent's license if she violated any of the Contract provisions.
13 From on or about April 1, 2009, through April 20, 2009, Respondent's license was suspended for
14 falsifying program reporting forms, a violation of provisions of the Contract. The license was
15 reinstated, the Contract extended a year, and Respondent completed the W. Virginia Board's
16 impaired nurse program on or about April 29, 2010. The Contract and correspondence relating
17 thereto are attached hereto as **Exhibit A** and incorporated herein by reference.

18 b. On or about February 3, 2012, Respondent tendered the voluntary surrender of her
19 license to practice as a registered professional nurse in West Virginia, which the W. Virginia
20 Board accepted as discipline against Respondent's license on or about February 8, 2012.
21 Respondent's written request for voluntary surrender of registered nurse license and the
22 W. Virginia Board's acceptance of same are attached hereto and incorporated herein as
23 **Exhibit B**.

24 **PRAYER**

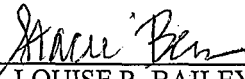
25 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 621916, issued to Lisa
28 Marie Petty, also known as Lisa Marie Furr;

1 2. Ordering Lisa Marie Petty, also known as Lisa Marie Furr, to pay the Board of
2 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: MARCH 11, 2013


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

8 SA2012108195
9 11006712.doc

EXHIBIT A

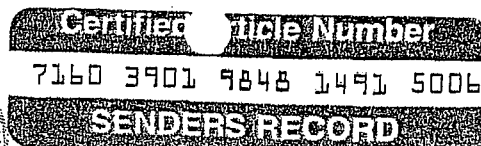
Impaired Nurse Program Contract

In the Matter of Lisa Petty, License No. 64153

State of West Virginia Board of Examiners for Registered Professional Nurses

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email:rnboard@state.wv.us
web address:www.wvrnboard.com



7160 3901 9848 1491 5006 ELEPHONE:
(304) 558-3596
FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES

101 Dee Drive, Suite 102
Charleston, WV 25311-1620

April 29, 2010

Lisa Furr
1463 Buckhannon Run Road
Buckhannon, WV 26201

Re: License Number 64153

Dear Ms. Furr:

Congratulations on completing the requirements of the West Virginia Board of Examiners for Registered Professional Nurses Impaired Nurse Treatment Program. You no longer are required to meet the terms of the contract. Even so, you are encouraged to continue with any treatment plan or program that is recommended by your health care practitioner, and to continue with the self help techniques you have learned.

Best wishes in your future nursing endeavors.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, MSN, RN
Executive Director

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email:rnboard@state.wv.us
web address:www.wvrnboard.com



Certified Article Number

7160 3901 848 1490 1184 TELEPHONE:

SENDERS RECORD

(304) 558-3596

FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

April 14, 2009

Lisa Furr
1463 Buckhannon Run Road
Buckhannon, WV 26201

Re: License Number 64153

Dear Ms. Furr:

The West Virginia Board of Examiners for Registered Professional Nurses (Board) reviewed your petition to reinstate your license. Under the guidelines of Disciplinary Review Committee (DRC) of the Board, your license will remain suspended through April 20, 2009 and your contract with the Board will be extended for another year. During the remainder of your suspension and, and throughout the remainder of your contract, you are required to meet the requirements of the contract including, but not limited to, attending the required Twelve Step meetings and providing the required documentation.

You must also visit with your counselor and provide them with a copy of this letter so you may discuss your decision to provide false documentation to the Board regarding the Twelve Step Meetings and have a summary of this evaluation sent directly to the Board by May 15, 2009. If any treatment is recommended from the counselor, you are expected to begin that treatment immediately. New treatment requirements may be incorporated into the remainder of your contract.

Ms. Furr, let me be clear, if you fail to fully comply with the requirements of the Board from this point until your license is fully reinstated, your license will be suspended as is provided for in your contract.

If you wish to request a hearing, please do so in writing. If you request a hearing your license will remain suspended until a hearing can be held.

If you have any questions, please do not hesitate to contact me.

Sincerely,

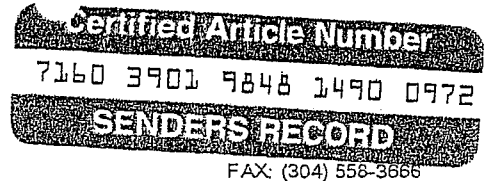
A handwritten signature in cursive script that reads "Laura S. Rhodes".

Laura S. Rhodes, RN, MSN
Executive Director

xc: File

Laura S. Rhodes, R.N., M.S.N.
Executive Director

email: rnboard@state.wv.us
web address: www.wvrnboard.com



STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

April 1, 2009

LISA MARIE FURR
1463 BUCKHANNON RUN RD
BUCKHANNON WV 26201-

Re: Suspension
License No. 64153

Dear Ms. FURR:

This letter is to inform you your license to practice registered professional nursing is **SUSPENDED**. Return the license presently in your possession to this office immediately in the envelope enclosed.

Upon further review of your petition to terminate your Impaired Nurse Treatment Program contract, the Board determined you falsified your AA/NA Report Forms.

Your license is **SUSPENDED** and will be reported as such upon inquiry to this office. You may not practice as a registered professional nurse in the State of West Virginia without a valid active license to do so.

Refer to the section Violation of Terms found on page five (5) of the Impaired Nurse Program Contract for information regarding the reinstatement of your license. Should you have any questions or require further information please contact me at this office.

Should you have any questions or desire further information please contact this office and speak with me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, RN, MSN
Executive Director

xc: file

WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES

IMPAIRED NURSE PROGRAM CONTRACT

In the Matter of Lisa Petty

License No. 64153

Comes now Lisa Petty ("Licensee"), and the West Virginia Board of Examiners for Registered Professional Nurses ("Board"), through its Impaired Nurse Program Committee (INPC), for the purpose of allowing Licensee the opportunity of participating in the Impaired Nurse Treatment Program (Program) through this contract in lieu of disciplinary action being taken against Licensee's registered nursing license pursuant to the authority of W. Va. Code § 30-7-11 and specifically defined in 19 CSR 9 section 6. As reflected in this document, Licensee has admitted to the stipulations set forth herein.

In offering this proposal for settlement of the complaint against the above stated license, Licensee acknowledges that there has been a violation of one or more of the provisions contained in W. Va. Code § 30-7-11, which permits the Board to take disciplinary action against the license. Licensee also acknowledges that if this Contract is violated, the license will be automatically suspended and other appropriate disciplinary action taken by the Board to allow for the reinstatement of Licensee's license.

STIPULATIONS

- I. Licensee is licensed as a registered professional nurse in the state of West Virginia.
- II. Licensee admits to an addiction to the following drug(s) Lorcet, Percocet and Alcohol.
- III. Licensee acknowledges engaging in conduct in violation of West Virginia Code § 30-7-11 (d) and (f), which state that the licensee may be disciplined if he or she "(d) [i]s habitually intemperate or is addicted to the use of habit-forming drugs; or . . . (f) [i]s guilty of conduct derogatory to the morals or standing of the profession of registered nursing".

CONCLUSIONS OF LAW

The West Virginia Board of Examiners for Registered Professional Nurses concludes that the stipulations support the sanction of disciplinary action pursuant to West Virginia Code § 30-7-1 et seq. pertaining to the practice of registered professional nursing.

Impaired Nurse Program Contract

Specifically, the stipulations support sanctions under the following sections of the West Virginia Code:

- a. West Virginia Code § 30-7-11(d), which states that a licensee maybe disciplined upon proof that he or she "[i]s habitually intemperate or is addicted to the use of habit-forming drugs";
- b. West Virginia Code § 30-7-11(f), which states that a licensee may be disciplined upon proof that he or she "[i]s guilty of conduct derogatory to the morals or standing of the profession of registered nursing";

CONSENT

Licensee, by signing this document, agrees to the following:

1. Licensee acknowledges awareness of the option to retain legal counsel and to be represented by legal counsel at a formal hearing before the Board.
2. Licensee intelligently and voluntarily waives the right to a formal hearing before the Board in this matter, and accepts the terms and conditions set forth herein in lieu of disciplinary action being taken against their license.
3. Licensee acknowledges full awareness that without licensee's consent, no legal action can be taken against the license by this Board, except pursuant to West Virginia Code § 30-7-1 et seq. and relevant rules.
4. Licensee enters this contract freely and voluntarily and not under duress, restraint or compulsion.
5. Licensee agrees that the Board may investigate licensee's background at any time during the term of this contract.

ORDER

On the basis of the foregoing, the Board hereby ORDERS that license number 64153, issued to Licensee, be under the following terms and conditions for a period of 3 years from the date of execution of this contract. The computation of such period is to begin on the date on which notice is received in the office of the Board that Licensee is employed as a registered professional nurse and shall run only during such time that Licensee is employed as a registered professional nurse on at least a permanent part-time

Impaired Nurse Program Contract

basis (forty hours every two weeks) or full time basis in the State of West Virginia. Licensee shall also pay administrative costs in the amount of three thousand dollars (\$3,000.00).

To be accepted in and remain in the impaired nurse program, regardless of employment status, Licensee shall meet the following conditions:

Terms:

Please circle the applicable conditions:

1. Not work at Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse
2. Not work in an autonomous or supervisory nursing position. Shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of this contract. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license.
3. Shall inform the Board in writing within ten (10) days of the date they assume the practice of registered professional nursing, or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of her employer. They shall provide in writing the name of his immediate registered professional nurse supervisor. They shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
4. Shall immediately inform their nursing employer, any prospective nursing employer, and the director of any nursing education program in which they enroll or teach, that they are under contract with the Board and shall provide a complete copy of this contract to their employer(s). The Board may provide their employer(s) with a copy of this contract and may communicate with their employer(s).
5. Shall, within ten (10) days of employment or continuation of practice, cause their employer or immediate registered professional nurse supervisor to notify the Board, in writing, of the employer's or supervisor's receipt of a copy of this contract. Shall further cause their employer or supervisor to submit monthly reports to the Board describing their job performance, attendance, attitude, and other work behaviors during the first year of the contract and if their progress is satisfactory to the Board, quarterly thereafter.

Impaired Nurse Program Contract

6. Shall submit documentation of fifteen (15) contact hours of continuing education awarded each year during the length of this contract in addition to those already required by law related to substance abuse.
7. Shall report in person, for appointment with the Board staff upon request.
8. Shall not handle nor administer narcotic or psychotropic medications, nor have access to locked or other storage areas in which such medications are kept. Shall notify their employer of this restriction on their practice.
9. Shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board and at their expense. Receipt of a positive drug screen is deemed to be a violation of this contract, and shall result in immediate suspension of their license. Eating products containing poppy seeds will not constitute as an accepted reason for having a positive screen for opioids.
10. Shall abstain from the use of alcohol and limit their use of drugs to those prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. Shall provide a copy of this contract to any prescribing physician, dentist or nurse practitioner. Shall cause their physician, dentist or nurse practitioner to notify the Board in writing of any medications/drugs prescribed and the condition for which said drug(s) has been prescribed. Agrees that, if he/she accepts a prescription for narcotic or psychotropic drugs, the Board may impose additional terms.
11. Shall coordinate any health care services they require with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by any physician, dentist or nurse practitioner. Shall provide this individual, who serves as his point of contact for health care needs, with a copy of this contract.
12. Shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while his license is under this contract, regarding his physical or mental health and any treatment rendered.
13. Shall annually submit to the Board a written personal statement regarding his progress. The statement shall be due at the end of the first year and in each subsequent year during the month in which this contract is accepted by the Board.

Impaired Nurse Program Contract

14.

Shall participate in a structured aftercare program, with a certified addictions counselor approved by the Board. The treating certified addictions counselor shall make a monthly report to the Board about their progress and his compliance with the aftercare program. Shall visit their approved treatment provider at least one (1) time per month during the term of this contract. This requirement may be modified upon request to the Board by the certified addictions counselor.

15.

Shall submit or have submitted to the Board evidence of participation in 12-Step meetings. Shall attend at least three (3) 12-Step meetings per week. Written evidence of participation in meetings shall be submitted to the Board on or before the fifth day of each month.

16.

Shall cause quarterly reports to be submitted to the Board by any treating physician regarding medication management, dosage adjustments and medication response.

Please list any other applicable conditions:

Shall provide to the Board copies of all prescriptions filled throughout the term of this agreement within 24 hours (twenty four hours) of having said prescriptions filled.

Violation of Terms:

1. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Contract, and result in immediate suspension of licensee's license.

2. The Board shall immediately notify Licensee via certified mail of the specific nature of the charges, and the suspension of their license.

a. Licensee may request to be reinstated to a probationary license through a contract, which is disciplinary action. The Board is not bound to comply with this request.

b. If Licensee's license is not reinstated to a probationary license, which is disciplinary action, Licensee shall be notified in writing. Licensee may, within fifteen (15) days of receipt of the Board's decision, request a hearing to seek reinstatement. If Licensee requests a hearing following suspension for violation of this contract and does not prevail, the cost incurred in holding such hearing shall be borne by Licensee. If Licensee prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Licensee

Impaired Nurse Program Contract

in bringing the matter to hearing.

c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Licensee's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-7-1 et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Licensee's probationary license for violation of this contract. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Licensee in bringing the matter to hearing.

Petition for Termination of Contract:

1. Following the term of this contract, Licensee may petition to appear before the INPC and submit satisfactory evidence of present ability to safely engage in the practice of registered professional nursing and have the provisions of this contract lifted. Evidence in support of this request shall include:

- a. Letter of reference from a physician and/or therapist involved in Licensee's aftercare;
- b. Letter of reference from Licensee's employer, if employed;
- c. Letter from Licensee outlining future plans; and
- d. Payment of all administrative costs.

However, the terms of this contract shall remain in effect and subject to yearly review and appropriate revision by the INPC until such time as Licensee license is fully reinstated by the INPC.

Risa Petty
Licensee

10-21-05
Date

Geraldine Hart
Witness

10-21-05
Date

Impaired Nurse Program Contract

Agreed to:

Laura Michelle Rhodes
Impaired Nurse Program Committee

10/25/05
Date

ENTERED: This the 25th day of October, 2005.

EXHIBIT B

Respondent's Written Request for Voluntary Surrender of Registered Nurse License 64153, and the
State of West Virginia Board of Examiners for Registered Professional Nurses' Acceptance Thereof

Feb 3, 2012

To the members of the WV RN Board:

I, Lisa Furr, do hereby surrender my RN license to the Board. Enclosed is the permanent license card I was issued (#64153). Thank you for your time and consideration.

Sincerely,
Lisa Furr

WV RN BOARD RECEIVED 2012-02-06 03:06 PM

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email: rnboard@state.wv.us
web address: www.wvrnboard.com



Certified Article Number

7160 2500 5449 0334 9909 PHONE:

SENDERS RECORD

558-3596

FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

February 8, 2012

Lisa Furr
1452 Buckhannon Run Road
Buckhannon, WV 26201

Re: License Number 64153

Dear Ms. Furr:

This is in follow up to the receipt of your license to practice as a registered professional nurse in West Virginia along with a letter stating your desire to Voluntarily Surrender your license. The Board accepts your voluntary surrender and will report it as discipline against your license to other Boards and national reporting agencies.

Should you have any questions or desire more information please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Alice R. Faucett".

Alice R. Faucett, JD
General Counsel and Director of Discipline

xc: File